

Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

Price : Rs 2.70



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No.27-PLA-2017/ 66.-** The Punjab Excise (Second Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.27-PLA-2017

### **THE PUNJAB EXCISE (SECOND AMENDMENT) BILL, 2017**

A

BILL

further to amend the Punjab Excise Act, 1914.

BE it enacted by the Legislature of the State of Punjab in the Sixty- eighth Year of the Republic of India.

1. (1) This Act may be called the Punjab Excise (Second Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

( 2887 )

Amendment of  
section 26-A of  
Punjab Act 1 of  
1914.

2. In the Punjab Excise Act, 1914 (hereinafter referred to as the principal Act), in section 26-A, in sub-section (1), at the end, for the sign ".", the sign ":" shall be substituted and thereafter, the following proviso shall be added, namely:-

"Provided that the above restriction shall not apply to the licensed liquor vends within the limits of Municipal areas."

Substitution of  
section 72 of  
Punjab Act 1 of  
1914.

3. In the principal Act, for section 72, the following section shall be substituted, namely:-

"72. All offences, punishable under this Act shall be bailable within the meaning of the Code of Criminal Procedure, 1973:  
Offences to be bailable.

Provided that the offences punishable under clauses (i), (ii), (iv) and (v) and of possession of country liquor and foreign liquor in a quantity exceeding twelve bottles of 750 milliliters capacity each, punishable under clauses (iii) and (viii) of the proviso to sub-section (1) of section 61, shall be non-bailable."

Amendment of  
section 78 of  
Punjab Act 1 of  
1914.

4. In the principal Act, in section 78,-

(a) in sub-section (1), for the proviso, the following proviso shall be substituted, namely:-

"Provided that when it is proved that the receptacles, animals or other articles specified in clauses (d) and (e) (except public undertaking vehicles) are not the property of offender, they shall not be liable to confiscation if the owner thereof establishes that he had no reason to believe that such offence was being or was likely to be committed.

Explanation.- "Public undertaking vehicles" means any vehicle owned/ run by,-

- (i) the Central Government or a State Government;
- (ii) any municipality or any corporation or company owned or controlled by the Central Government and one or more State Governments for the purpose of providing transport and goods services.";
- (b) in sub-section (2), for the second proviso, the following provisos shall be substituted, namely:-

"Provided further that in cases where the quantity of liquor found at the time or in the course of detection of such offence exceeds twenty-seven bulk liters of country liquor and foreign liquor, the Magistrate shall order the confiscation of conveyance. However, in lieu of ordering confiscation of conveyance, the Magistrate may give the owner of the

conveyance liable to be confiscated an option to pay an amount equal to the value thereof as estimated by the Magistrate:

Provided further that during pendency of trial, conveyance shall only be released on submission of security (in form of cash security or bank guarantee) equivalent to the value of the conveyance thereof.”; and

(c) in sub-section (4), for the words "ninety bulk liters he may", the words and sign "twenty-seven bulk liters, he shall" shall be substituted.

5. In the principal Act, in section 81, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Any offence relating to type and quantity of liquor as specified in clauses (vi), (vii) and (viii) (except quantity of foreign liquor exceeding twelve bottles of 750 milliliters capacity each) of proviso to sub-section (1) of section 61, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.”.

Amendment of  
section 81 of  
Punjab Act 1 of  
1914.

**STATEMENT OF OBJECTS AND REASONS**

The Hon'ble Supreme Court of India vide its judgment dated 11.7.2017 has clarified its earlier orders, which prohibited the sale of liquor through licensed bans within the 500 Meters from the National/State highways. Accordingly, this amendment to Section 26(A) is being made to the effect that the order of the Supreme Court shall not apply to the licensed liquor vends within the limits of Municipal Area.

2. Further, in order to curb the inflow of smuggled liquor from other States and safeguard Government revenue and to provide citizens of the State authenticated liquor, there is need to amend certain sections of the Punjab Excise Act, 1914, to make it more deterrent for the offenders. Accordingly, Sections 72, 78 and 81 of Punjab Excise Act, 1914 are being amended. The amended provisions make the offence of smuggling liquor into Punjab, to be dealt with more strictness.

**CAPTAIN AMARINDER SINGH**

Chief Minister, Punjab.

**FINANCIAL MEMORANDUM**

There is no direct financial implication in the proposed amendments in the Punjab Excise Act, 1914. These amendments, however, would have an indirect positive impact on future excise revenue receipts of State Exchequer.

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.



# Punjab Government Gazette

## EXTRAORDINARY

**Published by Authority**

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### NOTIFICATION

The 28th November, 2017

**No.28-PLA-2017/67.-** The Punjab School Education Board (Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.28-PLA-2017

### **THE PUNJAB SCHOOL EDUCATION BOARD (AMENDMENT) BILL, 2017**

A

Bill

Further to amend the Punjab School Education Board Act, 1969.

BE it enacted by the Legislature of the State of Punjab in the Sixty-Eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Punjab School Education Board (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

- 
- |  |  |
|--|--|
| Amendment in section 2 of Punjab Act 24 of 1969. | 2. In the Punjab School Education Board Act, 1969 (hereinafter referred to as the principal Act), in section 2, clause (jj) shall be omitted.  |
| Amendment in section 4 of Punjab Act 24 of 1969. | 3. In the principal Act, in section 4,-<br><ul style="list-style-type: none"><li>(a) in sub-section (1), for the words and signs "Chairman, Senior Vice-Chairman, Vice-Chairman", the words and sign "Chairman, Vice-Chairman" shall be substituted.</li><li>(b) in sub-section (2), for the words and sign "The Chairman, the Senior Vice-Chairman and the Vice-Chairman", the words "The Chairman and the Vice-Chairman" shall be substituted. ; and</li><li>(c) in sub-section (4), for the words and sign "the Chairman, the Senior Vice-Chairman and the Vice-Chairman", the words "the Chairman and the Vice-Chairman" shall be substituted.</li></ul>   |
| Amendment in section 5 of Punjab Act 24 of 1969. | 4. In the principal Act, in section 5,-<br><ul style="list-style-type: none"><li>(a) in the margin, for the words and signs "Chairman, Senior Vice-Chairman, Vice-Chairman", the words and sign "Chairman, Vice-Chairman" shall be substituted;</li><li>(b) <ul style="list-style-type: none"><li>(i) in sub-section (1), for the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman", the words "Chairman and Vice Chairman" shall be substituted; and</li><li>(ii) in the second proviso to sub-section (1), for the words "Chairman or Senior Vice-Chairman or Vice-Chairman", the words "Chairman or Vice-Chairman" shall be substituted; and</li></ul></li><li>(c) in sub-section (3), for the words "Chairman or Senior Vice-Chairman or Vice-Chairman", the words "Chairman or Vice-Chairman" shall be substituted.</li></ul> |
| Amendment in section 6 of Punjab Act 24 of 1969. | 5. In the principal Act, in section 6,-<br><ul style="list-style-type: none"><li>(a) in the margin, for the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman", the word "Chairman" shall be substituted.</li><li>(b) for the words "Chairman or Senior Vice-Chairman or Vice-Chairman" wherever occurring, the words "Chairman" shall be substituted; and</li><li>(c) for clause (a), the following clause shall be substituted namely:-</li></ul>   |

“(a) he has served the Central Government or State Government or both on a gazetted post for a period of not less than fifteen years; or”.

6. In the principal Act, in sections 10 and 10-A, for the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman" wherever occurring, the words "Chairman and Vice-Chairman" shall be substituted. Amendment in sections 10 and 10-A of Punjab Act 24 of 1969.
7. In the principal Act, in section 12,- Amendment in section 12 of Punjab Act 24 of 1969.
- (a) in sub-section (1), for the words and signs "Chairman or in his absence, the Senior Vice-Chairman, and in his absence, the Vice-Chairman", the words "Chairman or in his absence the Vice-Chairman" shall be substituted;
  - (b) in sub-section (2), for the words and signs "Chairman, and in his absence the Senior Vice-Chairman and in his absence Vice-Chairman," the words and sign "Chairman, and in his absence the Vice-Chairman," shall be substituted; and
  - (c) in sub-section (3), in the proviso, for the words and signs "Chairman, the Senior Vice-Chairman or the Vice-Chairman", as the case may be," the words and sign "Chairman, or the Vice-Chairman, as the case may be," shall be substituted.
8. In the principal Act, in section 13, clause (aa) shall be omitted. Amendment in section 13 of Punjab Act 24 of 1969.
9. In the principal Act, in section 14,- Amendment in section 14 of Principal Act 24 of 1969.
- (a) in the margin, for the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman", the words "Chairman and Vice-Chairman" shall be substituted; and
  - (b) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) The Vice-Chairman shall assist the Chairman in all matters, administrative and academic, shall discharge such duties and exercise such powers as may be delegated to him by the Chairman, and shall in the latter’s absence, exercise all the powers of the Chairman.”.

- |  |  |
|--|--|
| Amendment in section 15 of Principal Act 24 of 1969. | 10. In the principal Act, in section 15, in sub-section (1), the following sub-section shall be substituted, namely:<br><br>“(1) The State Government shall appoint the Secretary of the Board, who shall be an officer from the Indian Administrative Services (IAS) or Punjab Civil Services (PCS), not below the rank of Additional Secretary.” |
| Amendment in section 17 of Principal Act 24 of 1969. | 11. In the principal Act, in section 17, in sub-section (1), for clause (i), the following clause shall be substituted, namely:-<br><br>“(i) prescribe the syllabi and courses of studies in consultation with the State Council of Educational Reaserch and Training (SCERT) Punjab.”   |
| Amendment in section 18 of Punjab Act 24 of 1969.    | 12. In the principal Act, in section 18, in sub-section (1),-<br><br>(a) in clause (a), sub-clause (i-a) shall be omitted;<br>(b) in clause (b), sub-clause (i-a) shall be omitted; and<br>(c) in clause (c), sub-clause (i-a) shall be omitted.   |
| Amendment in section 21 of Punjab Act 24 of 1969.    | 13. In the principal Act, in section 21, in sub-section (3), in clause (a), for the words and sign "Chairman, the Senior Vice-Chairman and the Vice-Chairman", the words "Chairman and the Vice-Chairman" shall be substituted.  |



**STATEMENT OF OBJECTS AND REASONS**

In view of the existing provision in section 6(a) of the Punjab School Education Board, Act 1969 (Amendment 2016), Chairman or Senior Vice Chairman or Vice Chairman of the Punjab School Education Board can be appointed amongst that person who has served the Central Government or State Government or both on gazetted post for a period of not less than ten years. From Administrative point of view, the State Government has decided to abolish the post of Senior Vice Chairman in the Punjab School Education Board. Accordingly, the present Bill, i.e. the Punjab School Education Board (Amendment) Bill 2017, aims to make suitable amendments in the Punjab School Education Board Act, 1969. It has been considered appropriate to fill the post of Chairman who has served the Central Government or State Government or both as member of the Indian Administrative Services or Punjab civil Service for a period of not less than 15 years. Further, it has been decided that the State Government shall appoint the Secretary of the Board, who shall be an officer from the Indian Administrative Services (IAS) or Punjab Civil Services (PCS), not below the rank of Additional Secretary. Moreover, it has been considered appropriate to prescribe the syllabi and courses of studies in consultation with State Council of Educational Research and Training (SCERT), Punjab.

Hence 'The Punjab School Education Board (Amendment) Bill, 2017' is being introduced in the Hon'ble House.

**ARUNA CHAUDHARY**

Minister for Education, Punjab.

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No.29-PLA-2017/ 68 .-** The Punjab Agricultural Produce Markets (Third Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.29-PLA-2017

### **THE PUNJAB AGRICULTURAL PRODUCE MARKETS (THIRD AMENDMENT) BILL, 2017**

A

BILL

further to amend the Punjab Agricultural Produce Markets Act, 1961.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Agricultural Produce Markets (Third Amendment) Act, 2017. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

- |   |  |
|---|--|
| Amendment in section 23 of Punjab Act 23 of 1961. | 2. In the Punjab Agricultural Produce Markets Act, 1961 (hereinafter referred to as the principal Act), in section 23, in clause (i), for the words “two rupees”, the words “three rupees” shall be substituted.   |
| Amendment in section 26 of Punjab Act 23 of 1961. | 3. In the principal Act, in section 26, in clause (xxi), for the sign “.”, the word and sign “; and” shall be substituted and thereafter, the following clause shall be added namely:-<br><div style="margin-left: 40px;">“(xxii) providing relief to debt stressed farmers of the State.”.</div>  |
| Amendment in section 28 of Punjab Act 23 of 1961. | 4. In the principal Act, in section 28,-<br><div style="margin-left: 40px;">(i) at the end of clause (xx), the word “and” shall be omitted; and<br/>(ii) in clause (xxi), for the sign “.”, the word and sing “; and” shall be substituted and thereafter, the following clause shall be added namely:-<br/><div style="margin-left: 40px;">“(xxii) providing relief to debt stressed farmers of the State.”.</div></div>  |
| Repeal and saving.                                | 5. (1) The Punjab Agricultural Produce Markets (Third Amendment) Ordinance, 2017 (Punjab Ordinance No.7 of 2017) and the Punjab Agricultural Produce Markets (Fourth Amendment) Ordinance, 2017 (Punjab Ordinance No.9 of 2017) are hereby repealed.<br><br>(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act. |

**STATEMENT OF OBJECT AND REASONS**

Punjab is an Agricultural State and its economy is mainly dependent on agriculture. Market fee collected is spent on better marketing of agricultural produce and development of market infrastructure/its maintenance. New project such as multi commodity maize dryers, grading of agricultural produce, repening chambers and cold stroage are initiated. Repairing of link roads are also undertaken with this Market fee. With a view to diversify agriculture and to develop modern and scientific marketing infrastructure of international standard, more and more funds are required and it is also necessary that production of agricultural commodities and producers both should be secured and make use of market fees possible to provide relief to the distressed farmers in the State. To achieve these objectives, the Section 23(1) of “The Punjab Agricultural Produce Markets Act, 1961” was amended vide (Ordinance No. 7 of 2017) which the Market Fee was increased from 2% to 3% and to utilize the Market Fee for providing relief to debt stricken farmers a provision was incerted in section 26 and 28 of “The Punjab Agricultural Produce Markets Act, 1961” vide (Ordinance No. 9 of 2017). Now these ordinances are being converted into Bill.

**CAPTAIN AMARINDER SINGH**

Chief Minister, Punjab

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.

Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

*Price : Rs 2.70*



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No.30-PLA-2017/69.-** The Punjab Rural Development (Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.30-PLA-2017

### **THE PUNJAB RURAL DEVELOPMENT (AMENDMENT) BILL, 2017**

A

BILL

further to amend the Punjab Rural Development Act, 1987.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Rural Development (Amendment) Act, 2017. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in  
section 5 of  
Punjab Act 6 of  
1987.

2. In the Punjab Rural Development Act, 1987 (hereinafter referred to as the principal Act), in section 5, in sub-section (1), for the words “rupees two”, the words “rupees three” shall be substituted.

Amendment in  
section 7 of  
Punjab Act 6 of  
1987.

3. In the principal Act, in section 7, at the end of clause (x), the word “and” shall be omitted and thereafter, the following clause shall be inserted, namely:-  
“(x-a) to provide relief to debt stressed farmers of the State; and”.

Repeal and  
saving.

4. (1) The Punjab Rural Development (Amendment) Ordinance, 2017 (Punjab Ordinance No.6 of 2017) and the Punjab Rural Development (Second Amendment) Ordinance, 2017 (Punjab Ordinance No.8 of 2017) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

**STATEMENT OF OBJECTS AND REASONS**

The Punjab Rural Development Board was set up to increase the rural development, providing agricultural facilities to farmers and buyers, and providing relief of loss of agricultural produce due to natural disasters and for this purpose, The PUNJAB RURAL DEVELOPMENT ACT, 1987 was created.

Punjab is an Agricultural State and its economy is mainly dependent on agriculture. Rural Development Fee @ 2% on ad-valorem is levied on sale and purchase of Agricultural Produce. The Rural Development Fee is spent on better marketing of agricultural produce and development of market infrastructure/its maintenance. New project such as multi commodity maize dryers, grading of agricultural produce, ripening chambers and cold storage are initiated. Repairing of link roads are also undertaken with this Rural Development Fee. To promote and accelerate comprehensive and rural development including the construction or repair of rural roads, for establishment of Government veterinary hospitals and dispensaries in rural areas or up-gradation and improvement thereof, for making arrangements for supply of drinking water and for improving sanitation in rural areas, for promoting welfare of agricultural labourers and rural artisans and for carrying out such other purposes, as may be considered necessary by the Board in the interest of producers and for the benefit of the persons paying the fee including the dealers the Rural Development Fee rate from 2% to 3% was increased by amending the Section 5(1) of 'The Punjab Rural Development Act, 1987 by ordinance No.6 of 2017 and for the purpose of the use of Punjab Rural Development Fund to provide relief to the farmers, Section 7 of the Punjab Rural Development Act, 1987 was amended vide ordinance NO.8 of 2017. Now these ordinances are being converted in to an Act.

**CAPTAIN AMARINDER SINGH**

Chief Minister, Punjab

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.

Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

*Price : Rs 2.70*



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No.31-PLA-2017/70.-** The Maharaja Ranjit Singh Punjab Technical University (Second Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.31-PLA-2017

### **THE MAHARAJA RANJIT SINGH PUNJAB TECHNICAL UNIVERSITY (SECOND AMENDMENT) BILL, 2017**

A

BILL

further to amend the Maharaja Ranjit Singh Punjab Technical University Act, 2014.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Maharaja Ranjit Singh Punjab Technical University (Second Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

( 2905 )



Amendment in  
section 5 of  
Punjab Act 5 of  
2015.

2. In the Maharaja Ranjit Singh Punjab Technical University Act, 2014 (hereinafter referred to as the principal Act), in section 5, for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) Notwithstanding anything contained in any other law for the time being in force, one-time choice shall be given to the colleges which come under the territorial limits of the University to get themselves affiliated with the University of their choice i.e. either with the I.K. Gujral Punjab Technical University, Jalandhar or the Maharaja Ranjit Singh Punjab Technical University, Bathinda. Such one-time choice may be exercised by the concerned college within a period of six months from the date of publication of this Act. However, the new colleges, established within the territorial limits specified in sub-section (1), on or after the date of publication of this Act, shall be affiliated with the Maharaja Ranjit Singh Punjab Technical University, Bathinda:

Provided that all such students, who were admitted during the academic session 2015-16 in any college affiliated to the University, may exercise their option to study for any degree or diploma examination, with the I.K. Gujral Punjab Technical University, Jalandhar by continuing to study in the existing college and in that case, the degree or diploma shall be awarded by the I.K. Gujral Punjab Technical University, Jalandhar.”.

Amendment in  
section 20 of  
Punjab Act 5 of  
2015.

3. In the principal Act, in section 20, sub-section (2) shall be omitted. However, such omission, shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred by virtue of the sub-section so omitted.

**STATEMENT OF OBJECTS AND REASONS**

The Maharaja Ranjit Singh Punjab Technical University Bathinda was established by an Act No. 5 of 2015. The Act defined territorial jurisdiction of the university. However, the colleges affiliated to I.K. Gujral Punjab Technical University Jalandhar objected to transfer of their affiliation to the University of Bathinda. The proposed amendment to the Act of 2015, aim to give freedom of choice to such colleges and the students, retaining territorial jurisdiction for the new colleges.

**CHARANJIT SINGH CHANNI**

Minister for Technical Education &  
Industrial Training, Punjab

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.



# **Punjab Government Gazette**

## **EXTRAORDINARY**

**Published by Authority**

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No.32-PLA-2017/71.-** The Punjab Forfeiture of Illegally Acquired Property Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.32-PLA-2017

### **THE PUNJAB FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY**

BILL, 2017

A

BILL

to provide for the forfeiture of property derived illegally from, or used in illicit traffic in narcotic drugs and psychotropic substances and for the matter connected therewith or incidental thereto.

WHEREAS the Government has sufficient reasons to believe that a large number of persons possess ill-gotten proceeds of crime and have accumulated vast properties by resorting to illicit means like smuggling, illicit traffic and trade of narcotic drugs and psychotropic substances.

( 2909 )

AND WHEREAS it is the constitutional, legal and moral obligation of the State to prosecute persons involved in such illegal practices and confiscate their ill-gotten assets;

AND WHEREAS it is also necessary and expedient to lay down the procedure to confiscate such property acquired through illicit means.

BE it enacted by the Legislature of State of Punjab in the Sixty-eighth Year of the Republic of India as follows: —

Short title and  
commencement.

1. (1) This Act may be called the Punjab Forfeiture of Illegally Acquired Property Act, 2017

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Application.

2. The provisions of this Act shall apply only to the persons specified here under:-

(a) every person who has been convicted of an offence punishable under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), hereinafter referred to as the 'NDPS Act, 1985', with imprisonment for a term of ten years or more;

(b) every person in respect of whom an order of detention has been made under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (46 of 1988):

Provided that such order of detention has not been revoked on the report of the Advisory Board constituted under the said Act of 1988 or such order of detention has not been set aside by a Court of competent jurisdiction;

(c) every person who has been arrested or against whom a warrant or authorisation of arrest has been issued for the commission of an offence punishable under the NDPS Act, 1985 with imprisonment for a term of ten years or more;

(d) every person who is a relative of a person referred to in clause (a) or clause (b) or clause (c);

(e) every associate of a person referred to in clause (a) or clause (b) or clause (c); and

(f) any holder (hereinafter in this clause referred to as the "present

holder") of any property which was at any time previously held by a person referred to in clause (a) or clause (b) or clause (c); unless the present holder or, as the case may be, anyone who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

3. Under this Act, unless the context otherwise requires,- Definitions.
- (a) "appellate authority" means the appellate authority specified in section 15 of this Act;
  - (b) "associate" in relation to a person whose property is liable to be confiscated and forfeited under this Act, means,-
    - (i) any individual who had been or is residing in the residential premises (including out-houses) of such person;
    - (ii) any individual who had been or is managing the affairs or keeping the accounts of such person;
    - (iii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 2013 (18 of 2013), of which such person had been or is a member, partner or director;
    - (iv) any individual who had been or is a member, partner or director of an association or persons, body of individuals, partnership firm or private company referred to in sub-clause (iii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;
    - (v) any person, who had been or is managing the affairs, or keeping the accounts, of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);
    - (vi) the trustee of any trust, where,-
      - (1) the trust has been created by such person; or
      - (2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts, on the date on which contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date; and

- (vii) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;
- (c) "competent authority" means an officer of the State Government authorised by it under section 5;
- (d) "concealment" means the concealment or disguise of the nature, source, disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;
- (e) "freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property by an order issued under section 7;
- (f) "identifying" includes establishment of proof that the property was derived from, or used in, the illicit traffic;
- (g) "illegally acquired property", in relation to any person to whom this Act applies, means,-
  - (i) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to the contravention of any provisions of the NDPS Act, 1985; or
  - (ii) any property acquired by such person, whether before or after the commencement of this Act, for a consideration, or by any means wholly or partly traceable to any property referred to in sub-clause (i) or the income or earnings from such property, and includes,-
    - (A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration; and

- (B) any property acquired by such person, whether before or after the commencement of this Act, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;
- (h) "property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from, or used in, the illicit traffic;
- (i) "relative" means,-
- (1) spouse of the person;
  - (2) brother or sister of the person;
  - (3) brother or sister of the spouse of the person;
  - (4) any lineal ascendant or descendant of the person;
  - (5) any lineal ascendant or descendant of the spouse of the person;
  - (6) spouse of a person referred to in sub-clause (2), sub-clause (3), sub-clause (4), or sub-clause (5); and
  - (7) any lineal descendant of a person referred to in sub-clause (2) or sub-clause (3);
- (j) "tracing" means determining the nature, source, disposition, movement, title or ownership of property; and
- (k) "trust" includes any other legal obligation.
4. (1) As from the commencement of this Act, it shall not be lawful for any person to whom this Act applies to hold any illegally acquired property either by himself or through any other person on his behalf. Prohibition of holding illegally acquired property.
- (2) Where any person holds any illegally acquired property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government in accordance with the provisions of this Act:
- Provided that no property shall be forfeited under this Act if such property was acquired, by a person to whom the NDPS Act, 1985 applies, before a period of six years from the date he was arrested or against whom a warrant or authorisation of arrest has been issued for the commission of an offence punishable under the NDPS Act, 1985 or from the date the order of detention

was issued, as the case may be.

Competent  
authority.

5. (1) The State Government may, by order published in the Official Gazette, authorise any Divisional Commissioner or any other officer of the State Government of equivalent rank to perform the functions of the competent authority under this Act.

(2) The competent authorities shall perform their functions in respect of such persons or classes of persons as the State Government may, by order, direct.

Identifying  
illegally acquired  
property.

6. (1) The officer-in-charge of a police station shall, on receipt of information, if satisfied that any person to whom this Act applies holds any illegally acquired property, after recording reasons for doing so, proceed to take all steps necessary for tracing and identifying such property.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or public financial institution or any other relevant matters.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority may make or issue in this behalf.

Seizure or  
freezing of  
illegally acquired  
property.

7. (1) Where any officer conducting an inquiry or investigation under section 6 has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which shall result in frustrating any proceeding relating to forfeiture of such property under this Act, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority, and a copy of such order shall be served on the person concerned:

Provided that the competent authority shall be duly informed of any order made under this sub-section and a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.



*Explanation:-* For the purposes of this section, "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes,-

- (a) the creation of a trust in property;
- (b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;
- (c) the exercise of a power of appointment of property vested in any person, not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and
- (d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

8. (1) The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of a District Magistrate) as it thinks fit, to perform the functions of an Administrator.

Management of properties seized or forfeited under this Act.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 7 or under section 10 in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures, as the State Government may direct, to dispose of the property which is forfeited to the State Government.

9. (1) If, having regard to the value of the properties held by any person to whom this Act applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from an officer making an investigation under section 6, forwarded to the competent authority through the concerned Commissioner of Police or Senior Superintendent of Police, as the case may be, or otherwise, the competent authority has reason to believe (the reasons for such belief to be recorded in writing) that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant

Notice of forfeiture of property.

information and particulars, and to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this Act.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person:

Provided that no notice for forfeiture shall be served upon any person referred to in clause (c) of section 2 or relative of a person referred to in that clause or associate of a person referred to in that clause or holder of any property which was at any time previously held by a person referred to in that clause.

(3) In a case where the provisions of section 11 are applicable, no notice under this section shall be invalid merely on the ground that it fails to mention the evidence relied upon or it fails to establish a direct nexus between the property sought to be forfeited and any activity in contravention of the provisions of the NDPS Act, 1985.

Forfeiture of  
property in certain  
cases.

10. (1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 9, and the materials available before it and after giving to the person affected (and in a case where the person affected holds any property specified in the notice through any other person, to such other person also) a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person such other person also) does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section ex parte on the basis of evidence available before it:

Provided further that the order under this sub-section shall be passed by the competent authority preferably within a period of further thirty days after the expiry of period of thirty days specified in the show cause notice.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment,

are illegally acquired properties and record a finding accordingly under sub-section (1).

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Act, stand forfeited to the State Government free from all encumbrances:

Provided that no illegally acquired property of any person who is referred to in clause (c) of section 2 or relative of a person referred to in that clause or associate of a person referred to in that clause or holder of any property which was at any time previously held by a person referred to in that clause shall stand forfeited.

(4) Where any shares in a company stand forfeited to the State Government under this Act, then, the company shall, notwithstanding anything contained in the Companies Act, 2013 (18 of 2013) or the articles of association of the company, forthwith register the State Government as the transferee of such shares.

11. In any proceedings under this Act, the burden of proving that any property specified in the notice served under section 9 is not illegally acquired property shall be on the person affected. Burden of Proof.

12. (1) Where the competent authority makes a declaration that any property stands forfeited to the State Government under section 10 and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving an option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part. Fine in lieu of forfeiture.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 10 and thereupon such property shall stand released.

13. In the case of any person referred to in sub-clause (vi) of clause (b) of section 3, if the competent authority, on the basis of the information and materials available to it, has reason to believe (the reasons for such belief to be recorded in writing) that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the Procedure in relation to certain trust properties.

trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 9 and all the other provisions of this Act shall apply accordingly.

*Explanation:-* For the purposes of this section "illegally acquired property", in relation to any property held in trust, includes, –

- (i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor; and
- (ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

Certain transfers  
to be null and  
void.

14. Where after the making of an order under sub-section (1) of section 7 or the issue of a notice under section 9 or under section 13, any property referred to in the said order or notice is transferred by any mode whatsoever such transfer shall, for the purposes of the proceedings under this Act, be ignored and if such property is subsequently forfeited to the State Government under section 10, then, the transfer of such property shall be deemed to be null and void.

Appellate  
authority.

15. The Principal Secretary to the Government of Punjab in the Department of Home Affairs shall be the appellate authority for forfeited property for hearing appeals against the orders made under section 7, section 10, sub-section (1) of section 12 or section 13.

Appeals.

16. (1) An officer referred to in sub-section (1) of section 6 or any person aggrieved by an order of the competent authority made under section 7, section 10, sub-section (1) of section 12 or section 13, may, within forty-five days from the date on which the order is served on him, prefer an appeal to the appellate authority:

Provided that the appellate authority may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority may, after giving an opportunity to the appellant to be heard, if he so desires, and after making such further inquiry as it deems fit, confirm or set aside the order appealed against.

(3) Any appeal made under this section shall be decided preferably within a period of sixty days.

(4) On application to the appellate authority and on payment of the prescribed fee, the appellate authority may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the appellate authority and obtain a certified copy of any part thereof.

17. No notice issued or served, no declaration made, and no order passed under this Act shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

Notice or order not to be invalid for error in description.

18. No order passed or declaration made under this Act shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the appellate authority or any competent authority is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction.

19. The competent authority and the appellate authority shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:-

Competent authority and appellate authority to have powers of civil court.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

20. (1) Notwithstanding anything contained in any other law, the competent authority shall have power to require any officer or authority of the Central Information to competent authority.

Government or a State Government or a local authority to furnish information in relation to such persons, points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Act.

(2) Every officer referred to in section 21 may furnish suo motu any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Act.

Certain officers to assist Administrator, competent authority and appellate authority.

21. For the purposes of any proceedings under this Act, the following officers are hereby empowered and required to assist the Administrator appointed under section 8, competent authority and the Appellate authority, namely:-

- (a) officers of Police;
- (b) officers of the Revenue Department of the State;
- (c) officers of the Local Authorities; and
- (d) such other officers of the State Government as may be specified by the State Government in this behalf by notification in the Official Gazette.

Power to take possession.

22. (1) Where any property has been declared to be forfeited to the State Government under this Act, or where the person affected has failed to pay the fine due under sub-section (1) of section 12 within the time allowed therefor under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 8 or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in sub-section (1) requisition the service of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

Rectification of mistakes.

23. With a view to rectifying any mistakes apparent from record, the competent authority or the appellate authority, as the case may be, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person

prejudicially, it shall not be made without giving to such person a reasonable opportunity of being heard.

24. No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Act.

Findings under other laws not conclusive for proceedings under this Act.

25. Any notice or order issued or made under this Act shall be served, –

Service of notices and orders.

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent; and

(b) if the notice or order cannot be served in the manner provided in clause (a), by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

26. Any person who knowingly acquired, by any mode whatsoever, any property in relation to which proceedings are pending under this Act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.

Punishment for acquiring property in relation to which proceedings have been taken under this Act.

27. (1) Where the detention order of a detenu is set aside or withdrawn, properties seized or frozen under this Act shall stand released.

Release of property in certain cases.

(2) Where any person referred to in clause (a) or clause (c) of section 2 of this Act has been acquitted or discharged from the charges under NDPS Act, 1985 and the acquittal was not appealed against or when appealed against, the appeal was disposed of as a consequence of which such property could not be forfeited or warrant of arrest or authorization of arrest issued against such person has been withdrawn, then, property seized or frozen under this Act shall stand released.

28. (1) The State Government may, by notification in the Official Gazette, make such rules, as it may deem necessary for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session

for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Removal of  
difficulties.

29. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provision including any adaptation or modification of any provision of this Act, as appears to the State Government to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.



**STATEMENT OF OBJECTS AND REASONS**

Many persons residents of Punjab State are accused and convicts in the cases registered under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. These accused and convict persons have created properties, out of the proceeds of the crime committed by them under the NDPS Act, 1985. There is also a need for inclusion of provisions for attachment, seizure and forfeiture etc. of such property illegally acquired by the offenders under the NDPS Act, 1985.

Thus for the said purpose it is necessary to empower the officers of the State Government for attachment, seizure and forfeiture etc. of such property illegally acquired by the offenders under the NDPS Act, 1985 to fight the menace of drugs in the State of Punjab.

It is, therefore, proposed to enact a special law for the purpose namely, "Punjab Forfeiture of Illegally Acquired Property Act, 2017". The draft Act has been prepared in consultation with the Director General of Police, Punjab. The Act has the proposed provisions for attachment, seizure and forfeiture etc. of such property illegally acquired by the offenders under NDPS Act, 1985.

**CAPTAIN AMARINDER SINGH**

Chief Minister, Punjab

**FINANCIAL MEMORANDUM**

State Government may by order published in the Official Gazette appoint any officer (not below the rank of a District Magistrate) to perform the functions of an Administrator. Administrator shall receive and manage the properties. The Administrator shall also take such measures as the State Government may direct, to dispose of the properties which are forfeited to the State Government. The proceed of the disposal of the properties will be deposited in the Consolidated Fund of State.

The Actual accrual from the proceed of the disposal of the forfeited properties can't be foreseen. As, it is not possible to assess how many properties would be actually forfeited. However, proceed of the disposal of the forfeited properties will be beneficial to the State.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 28 of the Punjab Forfeiture of Illegally Acquired Property Act, 2017 empowers to the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

---

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

---

Chandigarh  
The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**  
Secretary.

Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

*Price : Rs 2.70*



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No.33-PLA-2017/72.-** The Punjab Land Reforms (Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.33-PLA-2017

### **THE PUNJAB LAND REFORMS (AMENDMENT) BILL, 2017**

A

BILL

further to amend the Punjab Land Reforms Act, 1972.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eight Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Land Reforms (Amendment) Act, 2017. Short title and commencement.
- (2) It shall be deemed to have come into force on and with effect from the 24th January, 1971:

Provided that the provision being made by section 2 of this Act shall

( 2925 )

come into force at once.

Amendment in  
section 3 of  
Punjab Act 10 of  
1973.

2. In the Punjab Land Reforms Act, 1972, (hereinafter referred to as the principal Act), in section 3, in clause (8), the words “but shall not include land under banana or guava trees or land comprised in vineyard” shall be omitted.

Amendment in  
section 27 of  
Punjab Act 10 of  
1973.

3. In the principal Act, in section 27, for clause (j), the following clause (j) shall be substituted, namely:-

“(j) land not covered under clause (h) and (i), acquired by a person for non-agricultural purposes such as housing, industrial, infrastructure projects, special economic zone (SEZ), tourism units (hotels and resorts), public utilities, warehousing, commercial, cultural, recreational, sports, religious, institutional:

Provided that where land is acquired for non-agricultural purposes as per provisions of clauses (h), (i) or (j), such person would be required to intimate such intention of change of land use for non-agricultural purposes to the Collector within one year from the date of publication of the Punjab Land Reforms (Amendment) Act, 2017 or within one year from the date of acquisition of such land and in such cases, the Collector, on receipt of such intimation, shall cause the necessary entries to be recorded in the revenue record to this effect.

Explanation:-For the purposes of clauses (h), (i) and (j) of this section:-

- (i) Where an agricultural activity is carried out primarily as an activity subservient to a non-agricultural activity or purpose of such person, in such cases, such land shall be deemed to have been acquired for non-agricultural purposes; and
- (ii) a person intending to carry out any development on land covered under these clauses, shall be required to obtain necessary permission under the Punjab Regional and Town Planning and Development Act, 1995 or the Punjab New Capital (periphery) Control Act, 1952, as may be applicable.”

**STATEMENT OF OBJECTS AND REASONS**

Punjab Government proposes to amend Section 3(8) of The Punjab Land Reforms Act, 1972 with immediate effect, in order to try to bring diversification in the pattern of agricultural production base from mono culture of wheat and paddy towards fruit and vegetables. There is an urgent need to promote fruit crops by all the legal means at the command of the State in order to increase income of farmers. Punjab Government also proposes to amend Section 27(j) of the said Act to amend the Punjab Land Reforms Act, 1972 retrospectively with effect from the “appointed date” (i.e. 24-1-1971) so as to ensure that agricultural land which has been utilized for non-agricultural purposes like housing, industrial, infrastructure projects like SEZ, tourism units (hotels and resorts), public utilities, warehousing, commercial, cultural, recreational, sports, religious, institutional etc. for the social or economic development of the State are kept out of the purview of this Act. Similarly, those acquiring agricultural land for such bonafide non-agricultural uses in future are granted one year window from the date of publication of the Punjab Land Reforms (Amendment) Act, 2017 or within one year from the date of acquisition of such land. Hence, the Punjab Land Reforms (Amendment) Bill 2017.

**CAPTAIN AMARINDER SINGH**

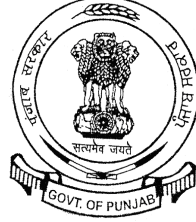
Chief Minister, Punjab

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No. 34-PLA-2017/73 .-** The Amritsar Walled City (Recognition of Usage) Amendment Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.34-PLA-2017

### **THE AMRITSAR WALLED CITY (RECOGNITION OF USAGE) AMENDMENT BILL, 2017**

A

BILL

further to amend the Amritsar Wall City ( Recognition of Usage) Act, 2016.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Amritsar Wall City (Recognition of Usage) Amendment Act, 2017. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

- Amendment in section 3 of Punjab Act 13 of 2016.
2. In the Amritsar Walled City (Recognition of Usage) Act, 2016 (hereinafter referred to as the principal Act), in section 3, for sub-section (2), the following sub-section shall be substituted, namely :-
- "(2) Thereafter, the applicant shall, by the 31st day of January, 2018, submit the required information in Form-B alongwith all the requisite documents/ plans and such application fee as may be prescribed."
- Substitution of section 5 of Punjab Act 13 of 2016.
3. In the principal Act, for section 5, the following section shall be substituted, namely :-
- "5. The competent authority shall pass the final order and finalise the matter under this Act by the 31st day of July, 2018."
- Time limit for finalising action.
- Repeal and saving.
4. (1) The Amritsar Walled City (Recognition of Usage) Amendment Ordinance, 2017 (Punjab Ordinance No. 10 of 2017), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

**STATEMENT OF OBJECTS AND REASONS**

The Amritsar Walled City (Recognition of Usage) Act, 2016 was enacted to provide for one time Recognition of Usage in respect of building violations made in commercial establishment within the Walled City of Amritsar and for regulated development by providing public safety, convenience and well being. For achieving the Objects of the Act *ibid*, it is considered necessary that the applicants should be given more time to submit required information. Accordingly, the proposed bill is aimed to allow the applicants under the Act *ibid* to submit the required information upto 31.01.2018 and accordingly, enable the competent authority to pass the final order by 31.07.2018.

**NAVJOT SINGH SIDHU**

Minister for Local Government, Punjab.

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.



Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

Price : Rs 2.70



# **Punjab Government Gazette**

## **EXTRAORDINARY**

**Published by Authority**

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

### **PUNJAB VIDHAN SABHA SECRETARIAT**

#### **NOTIFICATION**

The 28th November, 2017

**No.35-PLA-2017/74.-** The Punjab Land Improvement Schemes (Amendment) Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.35-PLA-2017

#### **THE PUNJAB LAND IMPROVEMENT SCHEMES (AMENDMENT) BILL, 2017**

A

BILL

further to amend the Punjab Land Improvement Schemes Act, 1963.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called Punjab Land Improvement Schemes (Amendment) Act, 2017. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Insertion of new  
section 14-A and  
14-B in Punjab  
Act 23 of 1963.

2. In the Punjab Land Improvement Schemes Act, 1963, after section 14, the following sections shall be inserted, namely:-

" 14-A (1) Where-

(a) the Department intends to lay underground pipeline or repair or renovation, as the case may be, of existing underground pipeline through holding of any other land holders for the purpose of irrigation; or

Laying of  
underground  
pipeline or repair  
or renovation of  
existing  
underground  
pipeline.

(b) a farmer or a group of farmers intend to lay an underground pipeline or repair or renovation, as the case may be, of existing pipeline through the holding of any other land owner for the purpose of irrigation on his holding or as the case may be, their holdings; and

the matter is not settled by mutual agreement, then the District Level Committee may, by order, allow the Department or the farmer or the group of farmers, as the case may be, to lay pipeline or repair or renovation, as the case may be, of existing pipeline, at least three feet beneath the surface of the land along the demarcated line on payment of such compensation arising out of crop damage or damage to any structure to the land owner. The District Level Committee shall determine the amount of compensation to be paid as per prevalent market prices to the land holder through whose land the pipeline is to be laid or repaired or renovated and its decision shall be binding upon all the parties.

(2) The Department or the farmer or the group of farmers, as the case may be, shall submit a written application to the District Level Committee detailing the land owner/s details through which the pipeline shall be laid or repaired or renovated and line demarcated for laying of pipeline along with the damage as shall be caused to crop or any structure that is in way of demarcated line.

(3) The Department or the farmer or the group of farmers, as the case may be, permitted to avail any of the facilities referred to in sub-section (1) shall not, by virtue of the said facility, acquire any other right in the holding through which such facility is granted.

(4) The Department or the farmer or the group of farmers, as the case may be, to whom such facility is granted, shall also ensure that the land be restored

up to the satisfaction of the land holder after laying of underground pipeline.

14-B. (1) In every district, there shall be constituted a Committee to be called the District Level Committee for granting compensation, to the Department or the farmer or the group of farmers, as the case may be, consisting of the following, namely:-

Constitution of  
District Level  
Committees.

- |       |   |          |
|-------|---|----------|
| (i)   | Deputy Commissioner                               | Chairman |
| (ii)  | Divisional Soil Conservation Officer              | Convener |
| (iii) | District Revenue Officer                          | Member   |
| (iv)  | Executive Engineer, Public Works Department (B&R) | Member   |
| (v)   | Divisional Forest Officer.                        | Member   |

(2) The Convener shall convene the meeting of the District Level Committee on receipt of request to lay underground pipeline or repair or renovation, as the case may be, of existing pipeline.

(3) Four members including the Chairman and the Convener shall form the quorum for a meeting of the District Level Committee.

(4) All questions before the District Level Committee shall be decided according to the opinion of the majority of the members present and voting. In the case of equality of votes, the Chairman shall have a second or casting vote.”

**STATEMENT OF OBJECTS AND REASONS**

Laying of Underground Pipelines for Irrigation is by the far most effective way for efficient use of water resources in the State and Department of Soil and Water Conservation, Punjab is promoting this activity in a big way. Sometimes other individual land holders or land held by others entities/ agencies do not allow the underground pipeline to pass through their lands, thus depriving the farmer whose land is located on other side of availing of irrigation facilities. In order to overcome this bottleneck, it is intended to introduce 'Right of Way' as Section 14-A and Section 14-B by way of an Amendment in Punjab Land Improvement Schemes Act, 1963 (Act No. 23 of 1963) which shall grant Department and the farmers legal right to lay underground irrigation pipelines in other land holders land at a depth of 3 feet beneath the surface of land as per demarcated line on payment of compensation arising out of crop damage or damage to any structure as per prevailing market rates.

**CAPTAIN AMARINDER SINGH**

Chief Minister, Punjab

Chandigarh

The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**

Secretary.



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 28th November, 2017

**No. 36-PLA-2017/75.-** The Punjab Infrastructure (Development and Regulation) Second Amendment Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.36-PLA-2017

### **THE PUNJAB INFRASTRUCTURE (DEVELOPMENT AND REGULATION) SECOND AMENDMENT BILL, 2017**

#### **A BILL**

further to amend the Punjab Infrastructure (Development and Regulation) Act, 2002.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Infrastructure (Development and Regulation) Second Amendment Act, 2017. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in  
section 6 of  
Punjab Act 8 of  
2002.

2. In the Punjab Infrastructure (Development and Regulation) Act, 2002 (hereinafter referred to as the principal Act), in section 6, after sub-section (1), the following sub-sections shall be inserted, namely:-

"(1-A) Where there is a provision, for appointment of sole Arbitrator by the Government/Government agencies, in an agreement entered into between two or more contractors, or contractor/contractors on one side and a Department, Public Sector Undertaking, Board, Corporation, Society or Agency under the control of the State Government on the other side, regarding the creation, development, maintenance and operation of infrastructure related projects and for matters connected therewith or incidental thereto of the State Government, in such a case, the Chairperson or any member so nominated by the Chairperson shall be deemed to be the sole Arbitrator, under the Arbitration and Conciliation Act, 1996 (Act 26 of 1996) in disputes where the claimed amount is five crore rupees and above.

(1-B) Where there is a provision, for appointment of two or more Arbitrators, one of them to be appointed by the Government/Government agencies, in an agreement entered into between two or more contractors, or a contractor/contractors on one side and a Department, Public Sector Undertaking, Board, Corporation, Society or Agency under the control of the State Government on the other side, regarding the creation, development, maintenance and operation of infrastructure related projects and for matters connected therewith or incidental thereto of the State Government, in such a case, the Chairperson or any member so nominated by the Chairperson shall be deemed to be the Arbitrator required to be appointed by the Government/Government agencies under the Arbitration and Conciliation Act, 1996 (Act 26 of 1996), in disputes where the claimed amount is five crore rupees and above. "

Amendment in  
section 14 of  
Punjab Act 14 of  
2002.

3. In the principal Act, in section 14, in sub-section (1),-

- (i) at the end of clause (v), the word "and" shall be omitted; and
- (ii) in clause (vi), for the sign ":", the sign and word "; and" shall be substituted and thereafter, the following clause shall be added before the proviso, namely:-

"(vii) to adjudicate upon, as an Arbitrator, the disputes inter-se between two or more contractors, or a contractor/contractors on one side and a Department, Public Sector Undertaking, Board, Corporation, Society or Agency under the control of

the State Government on the other side, regarding the creation, development, maintenance and operation of infrastructure related projects and for matters connected therewith or incidental thereto of the State Government under the Arbitration and Conciliation Act, 1996 (Act 26 of 1996), where the claimed amount is five crore rupees and above :".

**STATEMENT OF OBJECTS AND REASONS**

The Punjab Infrastructure (Development & Regulation) Act, 2002, (PIDRA, 2002) has been enforced by the Punjab Government with effect from July 11, 2002. In order to ensure speedy, just and affordable redressal of disputes arising out of and during the course of execution of various contracts of the Govt. Departments, Boards, Corporations, Public Sector Undertakings (PSUs), Society or Agency under the control of the State Govt. on one hand and the Concessionaire / Contractor or Contractors on the other, an independent separate dispute resolving mechanism is required to be formed. Presently the above aims of the Govt. are appointing Arbitrators at their own level as per their respective rules and guidelines.

Accordingly, in order to meet the above said objectives, PIRA may be delegated powers and functions of the arbitration and for the purpose of adjudication in this respect as laid down under the Arbitration and Conciliation Act, 1996. This would ensure uniformity in the expenditure related to the Arbitration being incurred by various arms of the State. Hence, it has been decided to make some amendments which are required to be made in PIDRA, 2002.

In order to achieve the above purposes, the Punjab Infrastructure (Development and Regulation) Amendment Act, 2017 is proposed to be promulgated for substituting some existing provisions of Punjab Infrastructure (Development and Regulation) Act, 2002 with the amended provisions.

**MANPREET SINGH BADAL**  
Minister for Finance, Punjab.

Chandigarh  
The 28th November, 2017

**SHASHI LAKHANPAL MISHRA**  
Secretary.



Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

Price : Rs 2.70



# Punjab Government Gazette

## EXTRAORDINARY

**Published by Authority**

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### NOTIFICATION

The 29th November, 2017

**No.38-PLA-2017/76.-** The Punjab State Council for Agricultural Education Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.38-PLA-2017

### **THE PUNJAB STATE COUNCIL FOR AGRICULTURAL EDUCATION BILL, 2017**

A

BILL

to provide for the establishment of a State Council for Agricultural Education for promotion and coordination of agricultural education in various colleges and institutes in the State of Punjab and to provide for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called Punjab State Council for Agricultural Education Act, 2017. Short title and commencement.

( 2941 )

Definitions

- (2) It extends to the whole of the State of Punjab, however, the public funded, existing or deemed agricultural universities shall not come under the purview of this Act.
  - (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,-
- (a) "agriculture" includes the basic and applied science of soil and water management, crop (field, horticultural and forestry) science, agricultural engineering and home science;
  - (b) "Chairperson" means the Chairperson of the Council;
  - (c) "college" means a college or an institute (affiliated or constituent to any University) anywhere in the State of Punjab which is imparting education or training in agriculture and is affiliated or deemed to be affiliated to any University;
  - (d) "Committee" means a Committee constituted by the Council;
  - (e) "constituent college" means a college, which is under the direct management of a University, whether located at the headquarters or elsewhere in the University area;
  - (f) "Council" means the Punjab State Council for Agricultural Education constituted under this Act;
  - (g) "degree course" means the course of study in agriculture;
  - (h) "department" means a department of a college or university designated as such with reference to a subject(s);
  - (i) "Government" means the Government of State of Punjab in the Department of Agriculture;
  - (j) "guidelines" means the guidelines or instructions issued by the Council from time to time for uniform implementation of this Act;
  - (k) "Member-Secretary" means Member-Secretary of the Council;
  - (l) "prescribed" means prescribed by rules made under this Act;
  - (m) "principal/dean" means the head of a recognized college or institution;
  - (n) "recognized college" means a college of studies in agriculture, recognized or deemed to be recognized under this Act, by the Council and being a constituent of/ affiliated to a University, is under the overall supervision of the University for academic matters;

- 
- (o) “recognized institution” means an institution of teaching other than the colleges constituent of /affiliated to a University, recognized or deemed to be recognized as such by the Council under this Act;
  - (p) "regulations" means regulations made by the Council under this Act;
  - (q) “syllabus” and “curriculum” mean the syllabus and curriculum for study as specified by the Council; and
  - (r) “University” means a University to/of which a college/institution/department, deemed to be recognized by the Council under this Act, is affiliated/constituent of.

3. (1) The Government may, by notification in the Official Gazette, constitute a Council to be known as the Punjab State Council for Agricultural Education to exercise the powers conferred upon and perform the functions assigned to it under this Act. Constitution of the Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal with power to acquire, hold and dispose of property, and to enter into contract and may, by the said name sue and be sued.

(3) The Council shall consist of the following members, namely:-

- (i) The Financial Commissioner (Development) /Additional Chief Secretary (Development) to Government of Punjab, Department of Agriculture; : Chairperson
- (ii) The Vice-Chancellor of the Punjab Agricultural University; : Vice-Chairperson
- (iii) The Secretary to Government of Punjab, Department of Finance; : Ex-officio Member
- (iv) One representative of Director General, Indian Council of Agricultural Research, New Delhi; : Ex-officio Member
- (v) Any one Vice-Chancellor, from a State funded University or a private University of Punjab or his representative not below the rank of Registrar, Dean or Director to be nominated by the Government ; : Ex-officio Member

- (vi) Any one of the Dean, Postgraduate Studies; Dean, College of Agriculture; College of Agricultural Engineering and Technology; and College of Home Science of the Punjab Agricultural University, to be nominated by the Government; : Ex-officio Member
- (vii) Any one of the Director of Agriculture, the Director of Horticulture, the Chief Conservator of Soil of the Government of Punjab; : Ex-officio Member
- (viii) Two eminent agricultural scientists to be nominated by the Government; : Member
- (ix) One agricultural entrepreneur from industry (agriculture machinery or food processing industry) in the State of Punjab to be nominated by the Government; : Member
- (x) A full time Member-Secretary, to be appointed by the Government. : Member-Secretary.

(4) The term of the office of members other than ex-officio members shall be three years:

Provided that a member whose term of three years has expired shall, unless Government otherwise directs, continue to hold the office till his successor is nominated.

(5) A member of the Council may resign from his office at any time by tendering his resignation in writing to the Chairperson and the Chairperson shall forward the same to the Government for its acceptance and such member shall be deemed to have vacated his office on acceptance of resignation by the Government.

(6) The Government, in case of a member other than the Chairperson and an ex-officio member may, by an order, in writing by recording reasons thereof, remove any member from the office on the ground that he,-

- (i) has abused his position; or
- (ii) has been convicted by a Court of Law for an offence involving moral turpitude or has otherwise become insane or of unsound mind; or

- (iii) is guilty of misconduct which in the opinion of the Government render him unfit to continue as Member; or
- (iv) has continuously absented himself from three consecutive meetings of the Council without the permission of the Chairperson:

Provided that before issuing an order, the Government shall give such a member a reasonable opportunity of being heard.

(7) A causal vacancy occurring due to death, resignation or removal of a member shall be filled by nomination and such a member shall hold the office for the remaining term.

(8) Subject to the provisions of this Act, every member except one who is removed under sub-section (6) shall be eligible for re-nomination.

4. The headquarter of the Council shall be at such place as may be determined by the Government. Headquarter of the Council.

5. (1) No business shall be transacted at the meeting of the Council unless fifty percent of the existing members of the Council are present: Meetings and business of the Council.

Provided that if a meeting of the Council is adjourned for want of a quorum then no quorum shall be necessary for the next meeting for the transaction of the same business.

(2) No member shall take part in the discussion of, or exercise his vote on, any matter in which he has any personal or pecuniary interest.

(3) The Council shall meet at such time and place and shall observe such procedure with regard to the transaction of its business at such meetings, as may be prescribed.

(4) The Chairperson and in his absence, the Vice- Chairperson shall preside over the meeting of the Council and in the case of absence of the Vice- Chairperson, any member chosen by the members present in the meeting, shall preside over the meeting.

(5) All matters in the meeting shall be decided by majority of votes of the members present and in case of equality of votes, the person presiding over such meeting shall have a casting vote.

(6) The Council shall ordinarily meet once in a quarter but shall hold at least two meetings in a year.

(7) The Council shall, in addition to meeting referred to in sub-section (6), hold a meeting to be known as annual meeting to consider its annual report,

audited annual accounts and balance sheet on or before the 30th of September of the following year.

(8) Every decision of the Council shall be taken by passing a resolution and shall be authenticated by the signatures of the Chairperson and in his absence, the Vice-Chairperson and in the case of absence of the Vice-Chairperson, by such other member as may be authorized by the Council in this behalf.

(9) Every instrument on behalf of the Council shall be authenticated by the signature of the Member-Secretary or in the absence of Member-Secretary, or when it is considered necessary under any circumstances, the Council may, by an order in writing and by recording reasons thereof, authorize any member or officer of the Council to authenticate any instrument.

(10) No act or proceedings of the Council shall be questioned or invalid merely on the ground of,-

- (a) any vacancy among its members or any defect in the constitution thereof ; or
- (b) any defect in the nomination of a member; or
- (c) any defect or irregularity in such act or proceedings not affecting the merits of the case.

Powers and  
functions of the  
Council.

6. (1) The Council shall have the following powers and functions, namely:-
- (a) to specify the minimum standards and guidelines for imparting agricultural education and training to be followed by the colleges/ universities in the State;
  - (b) to regulate the agricultural education in the State through grant of recognition to colleges/ institutions/ departments that meet the norms and standards prescribed to run educational degree programmes in agriculture. On the grant of recognition, the recognized colleges/ institutions/ departments shall automatically follow the prescribed system of education and governance including infrastructure (class rooms, laboratories, equipment, instructional farms, etc); procedure of admission, recruitment of staff, resident instruction, course curricula, pattern of examination etc. as may be directed by the Council from time to time;
  - (c) to grant approval to the annual academic plans/schemes of the recognized colleges/institutions/departments;

- (d) to review from time to time, the work done in the colleges/institutions/ departments relating to agricultural education to achieve effective coordination in the activities of the recognized colleges/institutions/ departments of the concerned universities and give them suitable guidance and directions;
- (e) to ensure sustained quality assurance in agricultural education in the State through grant of accreditation to the recognized colleges;
- (f) to issue necessary directions, in the exercise of its powers and the discharge of its functions, to the concerned colleges/institutions/ departments under intimation to the Vice-Chancellor/s of the concerned University/ies, which shall be final and binding on them. It shall be the duty of the Vice-Chancellors/Deans/Principals concerned to ensure that such directions are promptly and properly implemented;
- (g) to exercise such other powers and to discharge such other functions as are incidental or requisite to give effect to the provisions of this Act as per decision of the Government related to agricultural education;
- (h) to advise the Government on any matter related to the activities of the concerned universities/colleges/ institutions on agricultural education;
- (i) to review from time to time the procedures laid down to discharge its functions;
- (j) to co-ordinate and maintain standards of agricultural education and to effect re-orientation of such education on the specified lines so as to serve the needs of farmers and agro-industry and promote co-operation amongst the institutions and industrial and commercial establishment;
- (k) to co-operate with the Indian Council of Agricultural Research and other bodies in such manner and for such purposes, as may be necessary to carry out the purposes of this Act;
- (l) to undertake all other such acts and deeds as may be necessary for proper discharge of functions under this Act or the rules or the regulations made thereunder ;
- (m) to carry out such duties as may be imposed on it under this Act or

the rules or the regulations made thereunder.;

- (n) to refuse to affiliate an institution which, -
  - (i) does not fulfil or is unable to fulfil the standards laid down by the Council for staff, instructions, equipment and buildings; or
  - (ii) does not abide by the conditions for affiliation laid down by the Council:

Provided that the affiliation to an institution shall not be refused without giving it a reasonable opportunity of being heard and without passing an order in writing and after recording reasons thereof;

- (o) to withdraw affiliation of an institution which is unable to adhere to or make a provision for standards of staff, instructions, equipment or buildings as laid down by the Council or on its failure to observe the conditions of affiliation to the satisfaction of the Council :

Provided that affiliation of an institution shall not be withdrawn without giving it a reasonable opportunity of being heard and without passing an order in writing by recording reasons thereof;

- (p) to call reports from Heads of the affiliated institutions in respect of any act done in contravention of the rules, regulations, decisions, instructions or directions of the Council in such manner, as may be specified ;
- (q) to inspect or cause to be inspected an affiliated institution for the purpose of ensuring due observance of the specified courses of study and to ensure that the facilities for instructions are duly provided for and availed of ;
- (r) to create technical, professional, administrative, ministerial and other posts required for the performance of its duties and responsibilities and to appoint persons to such posts ;
- (s) to borrow money for carrying out the purposes of this Act with the prior approval of the Government;
- (t) to recommend to the Government regarding introduction of new courses and development of appropriate curricula in connection therewith ;
- (u) to provide guidelines for granting academic autonomy to institutions of agricultural education and grant academic autonomy to such institutions, as it may consider necessary;



- (v) to review norms and guidelines for charging tuition and other fees by the colleges in order to prevent commercialization of agricultural education and training;
- (w) to refer any question arising in the courses of exercise of its powers or in the discharge of its duties and functions under this Act to any appropriate Committee constituted under section 7 and consider the committee's recommendations or suggestions thereon; and
- (x) to delegate by order such of its powers subject to such conditions, as it may consider necessary to any affiliated institution or other authority constituted under this Act or the rules or the regulations made thereunder.

(2) The Council shall, subject to the provisions of this Act and the rules made thereunder, have all such powers as may be necessary for the discharge of its functions and the performance of its duties under this Act or the rules or the regulations made thereunder.

7. (1) The Council may, for the purpose of carrying out the provisions of this Act and the rules and the regulations made thereunder, set up the following Committees or such other Committees, as may be prescribed, namely :-

Constitution of  
Committees of the  
Council.

- (i) Academic Committee;
- (ii) Affiliation and Accreditation Committee;
- (iii) Finance Committee; and
- (iv) Any other Committee as per requirement.

(2) The Committees shall consist of such members and of such other persons, as the Council may, consider necessary in such manner, as may be prescribed.

(3) The term of the Committees and its members shall be such as may be prescribed.

(4) Every Committee shall submit its report to the Council for such decisions thereon, as it may consider necessary.

8. (1) Subject to the superintendence, control and direction of the Council, the Chairperson shall have the following powers, namely:-

Powers of the  
Chairperson.

- (i) undertake all acts required for implementing the decisions of the Council and shall exercise such powers and perform such other duties, in relation thereto, as may be prescribed;
- (ii) make such orders, as he may consider necessary on the

recommendation of the Committees constituted under section 7 on any matter falling within the jurisdiction of the Council:

Provided that where such orders are inconsistent with the recommendations of the Committee or Committees, as the case may be, the same shall be placed before the Council within a period of thirty days from the date such orders are passed for its ratification.

(2) If the Chairperson is satisfied that action is required to be taken on any matter which is within the jurisdiction of the Council, he may, by an order in writing, take such action, as he may consider necessary keeping in view the facts and circumstances of each case: :

Provided that such order shall be placed before the Council for ratification in its next meeting.

(3) The Chairperson shall convene and preside over the meeting of the Council at which he is present.

Appointment of  
Member-  
Secretary.

9. (1) The Government shall appoint a person to be the Member-Secretary to assist the Council in carrying out the purposes of this Act and he shall, subject to the superintendence, control and direction of the Chairperson, be the Chief Executive Officer of the Council.

(2) The Member-Secretary shall be responsible for preparation of the estimate of accounts and annual statement of Receipt and Expenditure and balance sheet of the Council and he shall be responsible for ensuring that all moneys of the Council are spent for the purposes for which these are meant.

(3) The Member-Secretary shall be responsible for maintaining the record of the Council including the proceedings of its meetings and he shall be entitled to be present and to speak at the meeting of the Council, but he shall not have the right to vote.

(4) The Member-Secretary shall exercise all such other powers, as may either be conferred upon him by the Chairperson under the rules or the regulations made under this Act or delegated to him by the Council.

Appointment of  
officers and  
employees.

10. The Council may, appoint such officers and employees, as it may consider necessary for carrying out the provisions of this Act, on such terms and conditions of service, as may be prescribed.

Funds of the  
Council.

11. (1) A fund of the Council, to be known as the Agricultural Education Development Fund, shall be created by one time grant provided by the Government.

(2) All receipts of the Council shall be credited into the fund.

(3) All expenditure incurred by the Council shall be defrayed out of the fund, which shall be operated in such manner, as may be prescribed.

(4) All moneys lying in the credit of the fund, shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Act 2 of 1934) or the same may also be invested in securities of Central Government, State Government or a Public Sector Undertaking.

(5) The fund shall be utilized for payment of charges and expenses authorised by or under this Act or for carrying out the purposes of this Act.

12. The accounts of the Council shall be got prepared by the Member-Secretary and audited annually by such an agency on payment of such amount, as may be specified by the Government. Accounts and Audit.

13. (1) The annual report of the Council shall be prepared by the Member-Secretary and shall be submitted to the Council within such time, as may be prescribed. Annual Report.

(2) The Council shall consider the annual report in its annual meeting for approval thereof.

(3) The Council shall submit its approved annual report along with audited annual accounts and balance sheet to the Government within a period of thirty days of the meeting.

(4) The Government shall, soon after the submission of the annual report along with audited annual accounts and balance sheet of the Council under sub-section (3), cause the same to be laid before the State Legislative Assembly:

Provided that when the report and accounts are to be laid in the Budget Session, these shall be laid before the House on the first sitting of the Session:

Provided further that the said report shall be laid before the State Legislative Assembly before the close of the financial year following the year to which the report relates.

14. (1) The Government shall have the power to make a reference to the Council with regard to any matter of policy or in respect of any act done by the Council in contravention of the provisions of this Act or the rules or the regulations made thereunder. Reference to the Council.

(2) The Council shall report to the Government about the action, if any,

as it proposes to take or has taken upon the reference made under sub-section (1), and shall furnish an explanation, if it fails to take action.

(3) If, the Council fails within a reasonable time to take action on such reference to the satisfaction of the Government, it may after considering explanation submitted by the Council, issue such directions consistent with this Act, as the Government may consider necessary and the Council shall comply with such directions.

(4) The Government may, at any time, arrange for an inspection of or inquiry into the affairs of the Council by such authority or person, as it may specify, to satisfy about the proper and effective functioning of the Council and also upon any matter connected with the administration and finances of the Council.

(5) The Council may authorise any person to represent it at the inspection or inquiry referred to in sub-section (4).

(6) On receipt of the report of inspection or inquiry referred to in sub-section (4), the Government may examine the same and give such directions, as it may consider necessary, to the Council.

(7) The Chairperson shall, within the stipulated period but not less than thirty days from the date of the receipt of the directions given under sub-section (6), send an intimation to the Government about the action taken by the Council in pursuance of the said directions.

(8) On the expiry of the period specified in sub-section (7), the Government may, after considering the intimation, if any, received from the Chairperson, issue such directions to the Council, as it may consider necessary and the Council shall comply with such directions.

Resolution of the Council.

15. Every resolution of the Council, shall be communicated to the Government within a period of thirty days from the date of passing such resolution. If, in the opinion of the Government, a resolution of the Council is not in public interest or is not in conformity with the provisions of this Act or the rules or the regulations made thereunder, it may, by an order in writing, suspend the execution of such resolution:

Provided that the resolution, the execution of which is suspended by the Government, shall not be cancelled without giving a reasonable opportunity to the Council to explain its position.

16. The Government may issue to the Council such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act or the rules or the regulations made thereunder and the Council shall comply with all such directions. Powers to issue directions.

17. An institution aggrieved by an order of the Council to refuse or withdraw affiliation, may prefer an appeal within a period of thirty days from the date of communication of such order to the Chief Secretary whose decision shall be final. Appeal.

18. (1) All members, officers and employees of the Council shall be deemed, while acting or purporting to act in pursuance of any provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860). Members of the Council to be public servants.

(2) Every person entrusted with the duties of supervision or conducting inspection work at any institution which is affiliated or seeking affiliation to the Council, shall during the period of such inspection as well as for a period of one month prior to the date of commencement of and two months after the closing of such inspection, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

19. No suit, prosecution or other legal proceedings shall lie against the Council or its authorities, officers or any employee of the Council for anything which is done or intended to be done in good faith under this Act or the rules or the regulations made thereunder.

20. Notwithstanding anything contained in this Act, with a view to remove any difficulty in giving effect to the provisions of this Act, the Government may, at any time, after the commencement of this Act, regulate by an order in writing, any matter which is to be prescribed or specified by a regulation under this Act, as the case may be. Power to remove difficulties.

21. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the salary and allowances payable to the member and officers of the Council;
- (b) the term, composition and number of members of the Committees referred to in section 7; and

- (c) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees, that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to make regulations.

22. (1) The Council may, with the prior approval of the Government, make regulations consistent with this Act and the rules framed thereunder.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) the admission of students to affiliated institutions;
- (b) the courses of study and training to be provided by the affiliated institutions;
- (c) the award of degrees and the requirements which students should fulfil for obtaining the same ;
- (d) the manner of affiliation of an institution ;
- (e) the manner of recognition of the courses of study, the type of training and examinations to be conducted by an institution for the purposes of eligibility for the award of degree;
- (f) the collaboration with a recognised university with a view to effecting co-ordination and avoiding conflict;
- (g) the procedure to be followed at the meetings of the committees;
- (h) the number of members required to constitute a quorum at the meetings of the committees ;
- (i) the manner in which decision shall be taken at any of the meetings of the committees ;
- (j) the period of notice to be given to the members of a committee regarding the dates fixed for meetings and the agenda for the same;

- (k) the manner of keeping record of the proceedings of the meetings of the committees ;
- (l) any other matter concerning the conduct of proceedings of the meetings of the committees and matters connected therewith ;
- (m) any other matter which may be connected with or incidental to, any of the matters as aforesaid; and
- (n) any matter which is required to be laid down in the regulations in accordance with the provisions of this Act.

23. Save as otherwise provided in this Act, any rule or regulation with regard to affiliation, admission, curricula, staff or any other matter, as applicable before the commencement of this Act, shall remain applicable for two years from such commencement and during this period the college shall submit a status report to the Council within thirty days and a compliance report within six months and seek approval of Council within two years from the date of commencement of this Act.

Existing rule or regulation to continue.

**STATEMENT OF OBJECTS AND REASONS**

The Punjab economy is predominantly dependent on agriculture. Agriculture extension services have played a key role in the State's success in the Green Revolution. Due to rise in the number of colleges imparting agricultural education, it has become necessary to put in place a regulatory framework to ensure their adherence to established standards in agricultural education. With this objective, it is proposed to set up the Punjab State Council for Agricultural Education. The Council shall act as an accreditation agency for the agricultural colleges functioning in the State after due verification of their physical and other infrastructure available for imparting quality education. It will also enforce uniformity in syllabi as well as number of hours devoted to classroom teaching, laboratory work and farm work. The establishment of the Punjab State Council for Agricultural Education shall contribute to the maintenance and improvement of academic standards of agricultural sciences being taught in the State and will ensure that this education keeps pace with the requirement of the changing times. The Punjab State Council for Agricultural Education Bill, 2017 aims to achieve this objective.

**CAPTAIN AMARINDER SINGH**  
Chief Minister, Punjab.



**FINANCIAL MEMORANDUM**

As per the Bill, the Agricultural Education Development Fund, shall be created by one time grant provided by the Government.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sections 21 and 22 of the Punjab State Council for Agricultural Education Act, 2017 empowers to the State Government to make rules to carry out the purposes of this Act. The Powers sought, are necessary for the proper implementation of the provisions of the Act and are normal in nature.

---

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

---

CHANDIGARH:  
THE 29TH NOVEMBER, 2017

**SHASHI LAKHANPAL MISHRA**  
SECRETARY.

Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

Price : Rs 2.70



# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

---

CHANDIGARH, WEDNESDAY, NOVEMBER 29, 2017  
(AGRAHAYANA 8, 1939 SAKA)

---

**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 29th November, 2017

**No.37-PLA-2017/ 77.-** The Punjab State Farmers and Farm Workers Commission Bill, 2017 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.37-PLA-2017

### **THE PUNJAB STATE FARMERS AND FARM WORKERS COMMISSION BILL, 2017**

A

### **BILL**

to provide for the establishment of the Punjab State Farmers and Farm Workers Commission to examine and review the status of agriculture and allied sectors in the State and that of rural infrastructure; to suggest measures of economically viable and ecologically sustainable agriculture development and to provide for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

( 2959 )

Short title and commencement.	<p>1. (1) This Act may be called the Punjab State Farmers and Farm Workers Commission Act, 2017.</p> <p>(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.</p>
Definitions.	<p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) "agriculture" shall include horticulture and the use of the land for any purpose of husbandry inclusive of the keeping or breeding of livestock, poultry, piggery, fishery or bees and the cultivation of agro forestry and the like;</p> <p>(b) "Chairperson" means the Chairperson of the Commission;</p> <p>(c) "Commission" means the Commission constituted under section 3 of this Act;</p> <p>(d) "farmer" means a person who owns or cultivates land and whose means of livelihood is income from cultivation of such land or partly by income from cultivation of such land and partly by income he gets as wages in cash or kind or partly in cash or partly in kind from other allied agricultural occupations he performs;</p> <p>(e) "farm worker" means a person principally engaged with a farmer in the capacity of a worker on hire and who gets his wages in cash or kind in connection with the agricultural operations he performs;</p> <p>(f) "Fund" means the Punjab State Farmers and Farm Workers Corpus Fund constituted under section 19 of this Act;</p> <p>(g) "Government" means the Government of the State of Punjab in the Department of Agriculture;</p> <p>(h) "Member-Secretary" means the Member-Secretary of the Commission;</p> <p>(i) "prescribed" means prescribed by rules made under this Act; and</p> <p>(j) "private entity" means all individuals not on government pay roll and all Companies, Societies, Cooperatives, partnership firms, charitable organizations and limited liability partnership firms.</p>
Constitution of the Commission.	<p>3. (1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Punjab State Farmers and Farm Workers Commission to exercise the powers conferred upon and perform the functions assigned to it under this Act.</p>

- 
- (2) The Commission shall consist of,-
- (a) Chairperson; : Non-official Member
  - (b) A representative of Farm Workers ; : Non-official Member
  - (c) Vice Chancellor, Punjab Agricultural University, Ludhiana; : Ex-officio Member
  - (d) Vice Chancellor, Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana; : Ex-officio Member
  - (e) Financial Commissioner (Development); and : Ex-officio Member
  - (f) A serving or a retired officer, not below the rank of the Secretary to Government of Punjab. : Member-Secretary
4. (1) The Government shall appoint the Non-official members of the Commission and their salary and perks and other terms and conditions of service shall be fixed by the Government in consultation with the Department of Finance. Appointment of non-official members.
- (2) The Chairperson shall be a person who is a practicing/progressive farmer with at least a graduate degree or an eminent agricultural scientist and who has sufficient exposure regarding current domestic and international agricultural scenario.
- (3) The salary and allowances and other terms and conditions of appointment of the Member-Secretary shall be fixed by the Government in consultation with the Department of Finance.
5. (1) The Non-official members of the Commission shall hold office for such period, as may be specified by the Government, but not exceeding five years. Term of office of non-official members.
- (2) Subject to the provisions of this Act, Non-official member, except one who is removed under sub-section (2) of section 6 shall be eligible for re-nomination only once.
6. (1) A Non-official member may, by way of notice in writing under his hand addressed to the Government, resign from his office. Resignation and removal of non-official members.
- (2) Notwithstanding anything contained in sub-section (1), the Government may, by order, remove from the office, a Non-official member, if he,-

- (a) is an un-discharged insolvent; or
- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) refuses to act or becomes incapable of acting; or
- (e) remains absent from three consecutive meetings of the Commission, without obtaining leave; or
- (f) has in the opinion of the Government so abused the position of non-official member, as to render such person to continue in office being detrimental to the interest of the Commission or public interest:

Provided that no such person shall be removed under this subsection unless he has been given a reasonable opportunity of being heard in the matter.

Disqualification. 7. No person shall be eligible for appointment as a Non-official member, if he,-

- (a) is not a citizen of India; or
- (b) has not attained the age of 21 years; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government, involves moral turpitude; or
- (e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in public service; or
- (f) is adjudged insolvent.

Casual vacancy. 8. In the event of death, resignation or disqualification of Non-official member or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as early as possible by appointment of a person thereto as member who shall hold office for the unexpired term of his predecessor.

Headquarter of the Commission. 9. The headquarter of the Commission shall be located at Chandigarh or Sahibzada Ajit Singh Nagar.

Advisory Councils. 10. (1) The Commission shall have as many Advisory Councils as required. The members of the Advisory Council shall be nominated by the Commission

and shall hold the term for three years.

(2) These Advisory Councils shall provide the Commission subject specific inputs for advising the Government in policy and programs and other related matters.

11. The Commission may from time to time constitute such committee or Committees. committees for undertaking specific functions or discharging specific duties as may be authorized by the Chairperson. The action taken by these Committees shall be brought before the Commission for its approval.

12. (1) The meetings of the Commission shall be convened by the Chairperson as and when required and at such time and place as he thinks fit. Meetings of the Commission.

(2) The Member-Secretary, in consultation with the Chairperson, shall call the meetings of the Commission.

(3) The meetings of the Commission shall be presided over by the Chairperson and in his absence, the members present shall elect one from amongst themselves to preside over such meeting.

(4) At least three members of the Commission shall form a quorum for the meeting of the Commission.

(5) As far as possible, the issues in the Commission shall be decided unanimously but where there is difference of opinion amongst the members of the Commission, the same shall be taken on the basis of the opinion of the majority of the members present.

13. (1) The Commission shall regulate its own procedure.

Procedure to be regulated by the Commission.

(2) Every decision of the Commission shall be taken by passing a resolution and shall be authenticated by the signatures of the Chairperson or in his absence by such other member as may be authorized by the Commission in this behalf.

(3) Every instrument on behalf of the Commission shall be authenticated by the signature of the Member-Secretary:

Provided that in the absence of Member-Secretary, or when it is considered necessary under the circumstances of the case, the Commission may, by an order in writing and by recording reasons thereof, authorize any member or officer of the Commission to authenticate any instrument.

14. No act or proceedings of the Commission shall be questioned or shall be invalid merely by reason of,-

Vacancies not to invalidate proceedings of the Commission.

(i) any vacancy or defect in the constitution thereof ; or

Powers and  
functions of the  
Commission.

- (ii) any defect in the nomination or co-option of a member; or
  - (iii) any procedural irregularity not affecting the merits of a case.
15. (1) Without prejudice, the Commission shall have the following powers and functions, namely:-
- (a) to provide for rights and welfare of those dependent on agriculture;
  - (b) to frame an agricultural policy which contributes to increase farmers' income while providing for ecological and economic sustainability and agriculture productivity;
  - (c) to collate data, information, analyze, inquire, consult, review, monitor, survey, undertake studies and suggest measures for,-
    - (i) improving the status of agriculture and allied sectors, rural infrastructure, agriculture extension and education, quality and delivery of agricultural goods/inputs and services by all entities including both, Government and private;
    - (ii) promoting the off-farm job creation in rural areas;
    - (iii) market interventions, mechanization and adoption of new technologies for agricultural production, value addition, post harvest handling and processing of the produce;
    - (iv) domestic and international markets to assess the competition, future trends, local demand, export potential, import substitution; and
    - (v) promotion of cooperatives for delivery of goods/inputs and services with an aim to increase the efficiency and the economic sustainability of rural economy;
  - (d) to consider demands and grievances of those dependent on agriculture and various farmers' Associations and Unions and to meet their representatives from time to time and make suitable policy recommendations to the Government;
  - (e) to consider any other issue, which is relevant to the above or is specially referred to the Commission by the Government; and
  - (f) to requisition and utilize the services of any organization or officer or any other person for the purpose of fulfilling its mandate under this Act.
- (2) The Government shall consult the Commission on matters relating

to welfare of those dependent on agriculture and matters referred to by the Commission to the Government;

16. (1) Subject to the provisions of this Act, the Commission may initiate a *suo-motu* inquiry on matters relating to its mandate and for the purpose of the inquiry, the Commission shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Act No. 5 of 1908) in respect of the following matters, namely:- Inquiry by Commission.

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of documents;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office;
- (v) issuing summons for the examination of witnesses; and
- (vi) such other matters, as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, the Commission may during inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of public authority or private entity, and no such record shall be withheld from it on any ground.

(3) In case of non-compliance of directions of the Commission by the public authority, it may recommend to the higher public authority to initiate disciplinary proceedings against the defaulting officer, and in case of non-compliance by a private entity, it may ask the respective legal Authority to proceed against it as per law.

17. (1) The Member-Secretary shall assist the Commission in carrying out the purposes of this Act. He shall,- Functions of the Member-Secretary.

- (i) administer day to day affairs of the Commission and supervise and manage the day to day functioning of the Commission and issue directions, orders or instructions to the employees of the Commission in consultation with the Chairperson;
- (ii) make arrangements for proper maintenance and custody of all records, securities, cash and the properties of the Commission;
- (iii) endorse and transfer promissory notes, Government and other



securities and endorse, sign, encash, cheques and other negotiable instruments on behalf of the Commission;

- (iv) sign all deposit receipts and operate the accounts of the Commission with bank(s) and the financing agencies;
- (v) institute, conduct, defend, compromise, refer to arbitration, legal proceedings in favour of or against the Commission or its officers or employees through any officer or employee of the Commission or otherwise through legal practitioners or any other person authorized by him in this behalf;
- (vi) determine, powers, duties and responsibilities of the employees of the Commission in consultation with the Chairperson;
- (vii) enter into negotiations and contracts and rescind and make such notes, deeds and instruments as may be necessary on behalf of the Commission in relation to any of the object of the Commission or otherwise in the interest of the Commission;
- (viii) take necessary steps as may be necessary to avoid any loss or prevent damage or loss to the assets, properties and interests of the Commission;
- (ix) appoint custodians of books and records and other properties of the Commission; and
- (x) exercise all such powers as may be delegated to him by the Commission or by the Chairperson.

(2) The Member-Secretary may, in consultation with the Chairperson, delegate any of his powers to an officer of the Commission for effective and efficient functioning of the Commission.

Appointment of officers and other employees.

18. (1) The Commission may appoint such number of officers and other employees, as it may consider necessary, to carry out the provisions of this Act, in consultation with the Department of Finance through the Government.

(2) The terms and conditions of service of the officers and other employees of the Commission shall be such, as may be decided by the Government in consultation with the Department of Finance.

(3) All the employees of the Commission shall perform their duties under the superintendence and control of the Chairperson.

Funds of the Commission.

19. (1) There shall be constituted a Fund to be called the Punjab State Farmers and Farm Workers Corpus Fund and there shall be credited thereto

any grants made to the Commission by the Government and all sums received by the Commission from such other sources as may be decided upon by the Government.

(2) The Government may, after due appropriation made by the State Legislature by law in this behalf, make to the Commission grants of such sums of money as the Government may consider necessary.

(3) The Fund referred to in sub-section (1) shall be applied for meeting salary, allowances and other remuneration of the Chairperson, Member-Secretary, officer(s) and other employees of the Commission and the expenses of the Commission in the discharge of its functions under this Act and expenses on objects and for purposes authorized by this Act.

(4) The Chairperson and Member-Secretary of the Commission shall be authorized to undertake statutory expenses such as wages, bills, contingent and miscellaneous expenses to a limit delegated by the Commission.

20. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed. Accounts and audit.

(2) The accounts of the Commission shall be audited by the Accountant General at such intervals as he may consider appropriate and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant General generally has in connection with the audit of the Government account(s) and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Government by the Commission.

21. The Commission shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government. Annual report.

Action on Commission's report.	22. Upon receipt of a report made under section 21, the Government may take such action thereon, as it may consider appropriate.
Annual report and audit report to be laid before state Legislative Assembly.	23. The Government shall cause the annual report, together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be, after the reports are received before State Legislative Assembly.
Powers to make reference to Commission.	<p>24. (1) The Government shall have the power to make a reference to the Commission with regard to any matter of policy or in respect of any act done by the Commission in contravention of the provisions of this Act or the rules made thereunder.</p> <p>(2) The Commission shall report to the Government about the action, if any, it proposes to take or has taken upon the reference made under this section and shall furnish an explanation, if it fails to take action.</p> <p>(3) If the Commission fails within a reasonable time to take action on such reference to the satisfaction of the Government, it may after considering explanation submitted by the Commission, issue such directions consistent with this Act, as may be considered necessary and the Commission shall comply with such directions.</p> <p>(4) The Government may, at any time, arrange for an inspection of or inquiry into the affairs of the Commission by such authority or person, as it may specify, to satisfy about the proper and effective functioning of the Commission and also upon any matter connected with the administration and finances of the Commission.</p> <p>(5) The Commission may authorise any person to represent it at the inspection or inquiry referred to in sub-section (4),</p> <p>(6) On receipt of the report of inspection or inquiry referred in sub-section (4), the Government may examine the same and give such directions, as it may consider necessary to the Commission.</p> <p>(7) The Chairperson shall within a period of thirty days from the date of receipt of the directions given under sub-section (6), send an intimation to the Government about the action taken by the Commission in pursuance of the said directions.</p> <p>(8) On the expiry of the period specified in sub-section (7), the Government may after considering the intimation, if any, received from the</p>

Chairperson, issue such directions to the Commission, as it may consider necessary and the Commission shall comply with such directions.

25. All members, officers and employees of the Commission shall be deemed, while acting or purporting to act in pursuance of any provision of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act No. 45 of 1860). Members of the Commission to be public servants.

26. No suit or other legal proceedings shall lie against the Commission or its authorities, or any employee or officer of the Commission for anything which is done or intended to be done in good faith under this Act or the rules or the regulations made thereunder. Protection of action taken in good faith.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provision(s), not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section, shall be laid as soon as may be, after it is made, before the House of the State Legislature.

28. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

**STATEMENT OF OBJECTS AND REASONS**

Punjab State Farmers and Farm Workers Commissions is proposed to be established as a statutory body with the objective of providing for rights and welfare of those dependent on agriculture on a more sustainable basis. The Commission will assist and advise the State Government in effective formulation and implementation of policies and programmes concerning welfare of farmers and farm labourers. The said objective is purported to be achieved through enactment of the Punjab State Farmers and Farm Workers Commission Bill, 2017.

**CAPTAIN AMARINDER SINGH**

Chief Minister, Punjab.

**FINANCIAL MEMORANDUM**

As per the Bill the Commission corpus fund shall be subscribed by the Government.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sections 28 of the Punjab State Farmers and Farm Workers Commission Act, 2017 empowers to the State Government to make rules to carry out the purposes of this Act. The Power sought, are necessary for the proper implementation of the provisions of the Act and are normal in nature.

---

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

---

CHANDIGARH:  
THE 29TH NOVEMBER, 2017

**SHASHI LAKHANPAL MISHRA**  
SECRETARY.